

Proposed Plan Change 1E – Rural Indigenous Biodiversity Incentives Provisions

Notes:

1. Deletion is shown as strike-through (~~example~~)
2. Addition is shown as underlined (example)

Proposed amendments to the Definitions Chapter

Degraded ecological site

Means an *ecological site* where, as of 1 September 2022:

- the description/significance/dominant habitat or vegetation of the *ecological site* in SCHED1 – Ecological sites identifies the site as having characteristics of degradation, including, but not limited to, stock or pest animal grazing or damage, pest plant infestation, changes to hydrology, or the result of natural processes such as storm, flood, fire, or land slippage; and
- the percentage cover of indigenous plant species is less than 50% of the density expected for that vegetation or habitat type.

Erosion prone land

Has the same meaning as in the Natural Resources Plan for the Wellington Region 2022, as follows:

the pre-existing slope of the land exceeds 20 degrees.

Edge to area ratio

means the length of the circumference of the *site* (in metres) divided by the total area of the *site* in square metres expressed as a percentage. The circumference and area shall follow the same *site* boundaries.

Highly productive land

has the same meaning as in 1.3 of the National Policy Statement for Highly Productive Land 2022

LUC 1, 2, or 3

has the same meaning as in the National Policy Statement for Highly Productive Land 2022, as follows:

means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.

Notice of intention

Means a proposal that was submitted to and accepted by the Council prior to 1 September 2022 by a landowner or developer to obtain a planting-based incentive and prepare a planting plan and was prepared in accordance with the former APP1-Development Incentives Guidelines of the Operative Kapiti Coast District Plan 2021.

Proposed amendments to the District Objectives Chapter

DO-02	Ecology and Biodiversity
--------------	--------------------------

To improve indigenous biological diversity and ecological resilience through:

1. protecting areas of *significant indigenous vegetation* and *significant habitats of indigenous fauna*;
2. encouraging restoration of the ecological integrity of indigenous ecosystems;
3. encouraging connectivity between areas of *significant indigenous vegetation and significant habitats of indigenous fauna*;
4. enhancing the health of terrestrial and aquatic ecosystems and their margins; and
5. enhancing the *mauri* of *waterbodies*.

DRAFT

Proposed amendments to the Natural Environments Chapter

NE-P4 Incentives ~~Bonus allotments~~

Subject to UEDI-P3, provide limited opportunities for the creation of bonus allotments in Rural Zones where:

1. it is demonstrated that the *subdivision* will result in:
 - a. the restoration and enhancement of *ecological sites* that are identified and described in Schedule 1 as being any of the following:
 - i. in a degraded condition;
 - ii. a nationally critical, rare, threatened, endangered or vulnerable ecosystem;
 - iii. a habitat type for nationally critical, rare, threatened endangered or vulnerable indigenous species; or
 - b. the extension of *ecological sites* that are identified in Schedule 1 or areas of indigenous biodiversity that meet the criteria in ECO-P1; or
 - c. the creation of new ecological connections between *ecological sites* or areas of indigenous biodiversity that meet the criteria in ECO-P1; or
 - d. new indigenous planting along waterbodies and landward of mean high water springs; or
 - e. new indigenous planting on areas of *erosion prone land*; or
2. a notice of intention was formally accepted by the Council before 1 September 2022 and the *subdivision* to which that notice of intention related has not been lodged with or approved by the Council.

~~Where new development can achieve permanent net benefits to the natural environment as a result of that development, over and above any requirements to avoid, remedy or mitigate (including off-setting as in [NE-P3](#)), development incentives may be granted. In determining the appropriateness of awarding development incentives to a given activity, the proposal must:~~

- ~~1. exhibit a substantial net increase in one or more of the following:~~
 - ~~a. protection and enhancement of *indigenous vegetation* or terrestrial habitats for indigenous fauna; or~~
 - ~~b. protection and enhancement of *water quality* and/or improved habitats for indigenous fauna in aquatic ecosystems;~~

~~-
and
-~~

- ~~2. provide sufficient information relating to:~~
 - ~~a. whether or not permanent achievement of the benefit(s) can be realised and how, including descriptions of any legal instruments to be utilised to achieve those benefits; and~~

- ~~b. the extent to which the positive benefits are consistent with the scale, nature and type anticipated in Council's Development Incentives Guidelines; and~~
- ~~c. the extent to which the net benefit of the total *development* achieved by the proposal offsets any increase in adverse *effects* generated by the *development* incentives applied for.~~

DRAFT

Proposed amendments to the Urban and Environmental Design and Incentives Chapter

UEDI-P3 ~~Incentives~~ Bonus allotments

To support and encourage ~~development~~ (including provide limited opportunities for the creation of bonus allotments through subdivision) in Rural Zones while ensuring that:

1. there is significant enhancement or restoration of significant indigenous vegetation and significant habitats of indigenous fauna in accordance with NE-P4;
2. new areas of indigenous vegetation and existing areas of significant indigenous vegetation and significant habitats of indigenous fauna are legally and physically protected on an ongoing basis;
3. it avoids an inappropriate proliferation and dispersal of development by limiting the number of additional allotments created;
4. it avoids creating inappropriate subdivision or development within areas of outstanding and high natural character and outstanding natural features and landscapes;
5. it does not compromise the values of historic heritage and places and areas of significance to Māori;
6. it minimises adverse effects on the character and amenity values of the zone or precinct in which the site is located;
7. the allotments created are of a size and scale appropriate to the zone in which the site is located;
8. it avoids the subdivision of LUC 1, 2 or 3 land and/or highly productive land, unless it can be demonstrated that either:
 - a. the overall productive capacity of the subject land will be maintained over the long term; or
 - b. and the subdivision is on specified Māori land;
9. any potential cumulative loss of the availability and productive capacity of LUC 1, 2, or 3 land located on General Rural or Rural Production Zoned land, or on highly productive land in the District is avoided if possible, or otherwise mitigated;
10. the productive potential of the parent site is maintained, where the land is not located on LUC 1, 2, or 3 land within the General Rural or Rural Production Zone or on highly productive land;
11. where located on LUC 1, 2, or 3 land within the General Rural or Rural Production Zone or on highly productive land, it avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities; and
12. where it is not located on LUC 1, 2, or 3 land located within the General Rural or Rural Production Zone, or on highly productive land, it avoids, remedies or mitigates potential reverse sensitivity effects on adjacent sites. that demonstrates a permanent net environmental benefit, in the areas of water quality, biodiversity, and renewable energy, and energy efficiency, significantly beyond the minimum levels required by this Plan.

Proposed amendments to the Energy Chapter

ENGY-P6

Incentives

~~New *developments* of any scale that exhibit permanent or long-term net benefits to the natural *environment* as a result of a substantial net increase in the use of exemplary methods to promote the efficient end use of energy and renewable electricity generation, may qualify for development incentives.~~

~~-~~

~~Proposals must provide sufficient information relating to:~~

~~-~~

- ~~1. whether or not permanent achievement of the benefit(s) can be realised, and descriptions of any legal instruments to be utilised to achieve those benefits; and~~
- ~~2. the extent to which the positive *effects* achieved by the proposal offsets any increase in adverse *effect* generated by the *development incentive(s)* in [Appendix 1](#), Development Incentives Guidelines, applied for.~~

DRAFT

Proposed amendments to the Subdivision in Residential Zones Chapter

SUB-RES-R29	<i>Subdivision</i> which is undertaken in accordance with the Development Incentives Guidelines set out in Appendix 1 .	
Restricted Discretionary Activity	<p>Standards</p> <p>1. <i>Subdivision</i> under this rule must comply with all other relevant <i>subdivision</i> standards unless otherwise specified in Appendix 1.</p> <p>Note: For development which is undertaken in accordance with the Development Incentives Guidelines, see GRZ-R15.</p>	<p>Matters of Discretion</p> <ol style="list-style-type: none"> 1. The scale of biodiversity, energy or water quality benefits created by the proposal. 2. The design, size, shape and location of reserves and <i>esplanade reserves</i>. 3. Covenants, easements and other legal mechanisms required. 4. The imposition of <i>conditions</i> to manage visual, character and amenity effects. 5. Ecological or biodiversity effects, and effects on natural character values. 6. Transport effects. 7. Proposed mitigation, remediation or ongoing management measures. 8. Cumulative effects. 9. The matters of discretion set out under SUB-RES-R27 or SUB-RES-R28 (whichever is applicable).

Proposed amendments to the Subdivision in Rural Zones Chapter

<p>SUB-RUR-R53</p>	<p><i>Development including Subdivision which creates one or more bonus allotments through the enhancement and restoration of degraded ecological sites or new indigenous planting which is undertaken in accordance with the Development Incentives Guidelines set out in Natural Environment Appendix 1.</i></p>	
<p>Restricted Discretionary Activity</p>	<p>Standards</p> <ol style="list-style-type: none"> 1. The amount of development proposed must not exceed or proceed earlier than the stipulations in the guideline. 2. Subdivision must comply with all other relevant subdivision standards unless otherwise specified within Appendix 1. 3. Subdivision must comply with SUB-RUR-R51, except where modified by this rule. 4. The subdivision must: <ol style="list-style-type: none"> a. comply with the minimum area and planting requirements for the relevant planting type for the creation of a bonus allotment set out in SUB-RUR-R53 – Table 1; or b. be subject to a notice of intention that was formally accepted by the Council before 1 September 	<p>Matters of Discretion</p> <ol style="list-style-type: none"> 1. The matters in SUB-RUR-R51 2. The scale and value of biodiversity and energy benefits created by the proposal. 3. Visual, character and amenity effects. 4. Ecological or biodiversity effects. 5. Traffic effects. The location, timing, scale, form and type of planting, in accordance with Appendix 1. 6. Proposed mitigation, remediation or The measures to achieve ongoing monitoring and management measures in accordance with Appendix 1. 7. The measures to achieve physical and legal protection of indigenous vegetation in perpetuity. 8. Effect on natural character values. 9. Cumulative and reverse sensitivity effects. 10. The design and layout of the subdivision including earthworks, the clustering of nominated building areas and the suitability of primary production activities. 11. The degree of compliance with the Kāpiti Coast District Council Subdivision

2022 and the subdivision to which that notice of intention related has not been lodged with or approved by the Council

5. No more than three bonus allotments shall be created per site.
6. Any bonus allotment must comply with the minimum individual allotment area that applies to the zone or Precinct, as set out in SUB-RUR-R51.
7. Where a bonus allotment is created through new indigenous planting, the planting must be contiguous with:
 - a. an ecological site; or
 - b. an existing area of indigenous vegetation or wetland that is demonstrated to meet one or more of the criteria in ECO-P1; or
 - c. a waterbody.
8. A bonus allotment must not be located within any part of the site:
 - a. identified as being Outstanding Natural Character or High Natural Character or an Outstanding

and Development Principles and Requirements 2012.

12. The imposition of financial contributions in accordance with the [Financial Contributions chapter](#).
13. Vehicle access points onto legal road including the State Highway Network and any effects on the transport network.
14. The location of any building area relative to natural hazards, historic heritage features, outstanding natural features and landscapes, ecological sites, geological features.
15. The provision of walking, cycle pathways and bridleways.

Natural Feature
and Landscape

- b. identified as containing a scheduled historic building or structure, scheduled historic site, scheduled historic area, or waahi tapu and other places and areas of significance to Māori; or
9. The subdivision must not be on LUC 1, 2, or 3 land within the General Rural Zone or Rural Production Zone, or on highly productive land;
10. Where a bonus allotment is created through the enhancement of an ecological site, the ecological site must be identified as:
- a. being degraded as at 1 September 2022; or
 - b. containing a nationally critical, rare, threatened, endangered or vulnerable ecosystem;
 - c. containing a habitat type for nationally critical, rare, threatened endangered or vulnerable

indigenous species;

11. Any ecological site on the site must be physically and legally protected in perpetuity; and
12. Any new indigenous planting must be physically and legally protected in perpetuity.

Note: For development which is undertaken in accordance with the Development Incentives Guidelines, see [GRUZ-R14](#), [RPROZ-R11](#), [RLZ-R10](#), or [FUZ-R10](#).

Note: This Rule applies in addition to the District Wide Subdivision Rules.

Information requirement: An application for a bonus allotment must include the information required under Appendix 1 – Bonus allotment requirements.

SUB-RUR-R53 – Table 1

	Planting Type	Minimum Area - Other Rural Precincts	Minimum area - Rural Hills Precinct	Number of bonus allotments that may be created per area of planting type	Other requirements
1	Buffer planting around <i>wetlands</i>	1 hectare	1 hectare	1	There must be a 20 m planted terrestrial buffer around the <i>wetland</i> There must be a maximum edge to area ratio of 5.0%

	Planting Type	Minimum Area - Other Rural Precincts	Minimum area - Rural Hills Precinct	Number of bonus allotments that may be created per area of planting type	Other requirements
2	Rare or threatened ecosystem or habitat types	1 hectare	1 hectare	1	The area must include all of the ecosystem or habitat type. There must be a 20 m planted buffer around the <i>ecological site</i> . There must be a maximum edge to area ratio of 5.0%
3	Ecological corridors including riparian margins	2 hectares	4 hectares	1	The ecological corridor must have a minimum width of 20 m. The ecological corridor must directly connect <i>ecological sites</i> There must be a maximum edge to area ratio of 5.0%
4	Enlarge existing terrestrial area of an <i>ecological site</i>	2 hectares	4 hectares	1	The enlarged area must directly adjoin the existing <i>ecological site</i> . There must be a maximum edge to area ratio of 5.0%
5	Enhancement of degraded <i>ecological sites</i>	1 hectare	3 hectares	1	There must be a buffer planted around the <i>ecological site</i> to close the edge, which may include planting up to a natural or existing edge such as a cliff, foot of a slope, waterbody or fence. There must be a maximum edge to area ratio of 5.0%
6	Restoration and enhancement of coastal dunes	1 hectare	N/A	1	The area of restoration and/or enhancement must extend the full width

Planting Type	Minimum Area - Other Rural Precincts	Minimum area - Rural Hills Precinct	Number of bonus allotments that may be created per area of planting type	Other requirements	
				of property parallel to coast and either: <ul style="list-style-type: none"> • for the full depth of dune sub-habitat (fore, mid or hind dune) or • a swath of no less than 30m wide 	
7	Planting of <i>erosion prone land</i>	3 hectares	5 hectares	1	There must be a 20m planted buffer around the area where erosion is occurring. There must be a maximum edge to area ratio of 5.0%
8	Natural regeneration of <i>erosion prone land</i>	5 hectares	8 hectares	1	There must be a maximum edge to area ratio of 5.0%

<u>SUB-RUR-R58</u>	<u>Subdivision in any Rural Zone which does not comply with <i>restricted discretionary activity</i> subdivision standard 9 in Rule SUB-RUR-R53.</u>
<u>Non-Complying Activity</u>	

Proposed amendments to the General Residential Chapter

GRZ-R15	<i>Development</i> , which is undertaken in accordance with the Development Incentives Guidelines set out in Appendix 1 .	
Restricted Discretionary Activity	<p>Standards</p> <p>-</p> <p>1. The amount of development proposed must not exceed or proceed earlier than the stipulations in the guideline.</p> <p>-</p> <p>Note: For subdivision which is undertaken in accordance with the Development Incentives Guidelines, see SUB-RES-R29.</p>	<p>Matters of Discretion</p> <p>-</p> <p>1. The scale of biodiversity, energy or water quality benefits created by the proposal.</p> <p>2. Layout, size, design and location of proposed <i>buildings</i> (excluding <i>minor buildings</i>).</p> <p>3. Covenants, easements and other legal mechanisms required.</p> <p>4. The imposition of <i>conditions</i> to manage visual, character and amenity <i>effects</i>.</p> <p>5. Ecological or biodiversity <i>effects</i>, and <i>effects</i> on natural character values.</p> <p>6. Transport <i>effects</i>.</p> <p>7. Proposed mitigation, remediation or ongoing management measures.</p> <p>8. Cumulative <i>effects</i>.</p>

Proposed amendments to the General Residential Zone Chapter

GRUZ-P9	<i>Residential Units and Buildings (excluding minor buildings)</i>
<p>New <i>residential units</i> (excluding <i>visitor accommodation</i> which is not <i>temporary residential rental accommodation</i>) and other <i>buildings</i> (excluding <i>minor buildings</i>) in all the Rural Zones will be provided in a manner which avoids, remedies or mitigates adverse environmental <i>effects</i> (including <i>cumulative effects</i>) on the <i>productive potential</i> and landscape character of the rural area, including:</p> <ol style="list-style-type: none"> 1. limiting the number of <i>residential units</i> and <i>minor residential units</i> to one of each per <i>subject site</i>, except where Development Incentive Guidelines are complied with; 2. managing the location and scale of <i>buildings</i> (excluding <i>minor buildings</i>); and 3. recognising the operational requirements for <i>buildings</i> (excluding <i>minor buildings</i>) that are <i>ancillary</i> to <i>primary production activities</i>. 	

GRUZ-R14		<i>Development which is undertaken in accordance with the Development Incentives Guidelines set out in Natural Environment Appendix 1</i>
Restricted Discretionary Activity	<p>Standards</p> <p>-</p> <ol style="list-style-type: none"> 1. The amount of <i>development</i> proposed must not exceed or proceed earlier than the stipulations in the guideline. <p>-</p> <p>Note: For subdivision which is undertaken in accordance with the Development Incentives Guidelines, see SUB-RUR-53.</p>	<p>Matters of Discretion</p> <p>-</p> <ol style="list-style-type: none"> 1. The scale of biodiversity and energy benefits created by the proposal. 2. Layout, size, design and location of proposed <i>building</i> and <i>structures</i>. 3. Visual, character and amenity <i>effects</i>. 4. Ecological or biodiversity <i>effects</i>. 5. Traffic <i>effects</i>. 6. Proposed mitigation, remediation or ongoing management measures. 7. <i>Effect on natural character values</i>. 8. <i>Cumulative effects</i>. 9. The degree of compliance with the

Kāpiti Coast
District Council Subdivisio
n and Development
Principles and
Requirements 2012.

10. The imposition
of *financial contributions*
in accordance
with the [Financial
Contributions chapter](#).
11. *Vehicle access points*
onto *legal road* including
the *State
Highway Network* and
any *effects* on
the *transport network*.
12. The location of
any *building area* relative
to *natural
hazards, historic heritage
features, outstanding
natural features and
landscapes, ecological
sites, geological features*.
13. The provision of walking,
cycle pathways and
bridleways.

Proposed amendments to the Rural Production Zone Chapter

RPROZ-P9	<i>Residential Units and Buildings (excluding minor buildings)</i>
<p>New <i>residential units</i> (excluding <i>visitor accommodation</i> which is not <i>temporary residential rental accommodation</i>) and other <i>buildings</i> (excluding <i>minor buildings</i>) in all the Rural Zones will be provided in a manner which avoids, remedies or mitigates adverse environmental <i>effects</i> (including <i>cumulative effects</i>) on the <i>productive potential</i> and landscape character of the rural area, including:</p> <ol style="list-style-type: none"> 1. limiting the number of <i>residential units</i> and <i>minor residential units</i> to one of each per <i>subject site</i>, except where Development Incentive Guidelines are complied with; 2. managing the location and scale of <i>buildings</i> (excluding <i>minor buildings</i>); and 3. recognising the operational requirements for <i>buildings</i> (excluding <i>minor buildings</i>) that are <i>ancillary</i> to <i>primary production</i> activities. 	

RPROZ-R11	<i>Development which is undertaken in accordance with the Development Incentives Guidelines set out in Natural Environment Appendix 1</i>	
Restricted Discretionary Activity	<p>Standards</p> <p>-</p> <ol style="list-style-type: none"> 1. The amount of <i>development</i> proposed must not exceed or proceed earlier than the stipulations in the guideline. <p>-</p> <p>Note: For subdivision which is undertaken in accordance with the Development Incentives Guidelines, see SUB-RUR-R53.</p>	<p>Matters of Discretion</p> <p>-</p> <ol style="list-style-type: none"> 1. The scale of biodiversity and energy benefits created by the proposal. 2. Layout, size, design and location of proposed <i>building</i> and <i>structures</i>. 3. Visual, character and amenity <i>effects</i>. 4. Ecological or biodiversity <i>effects</i>. 5. Traffic <i>effects</i>. 6. Proposed mitigation, remediation or ongoing management measures. 7. Effect on <i>natural character</i> values. 8. Cumulative <i>effects</i>. 9. The degree of compliance with the Kāpiti Coast

District Council Subdivision
and Development Principles
and Requirements 2012.

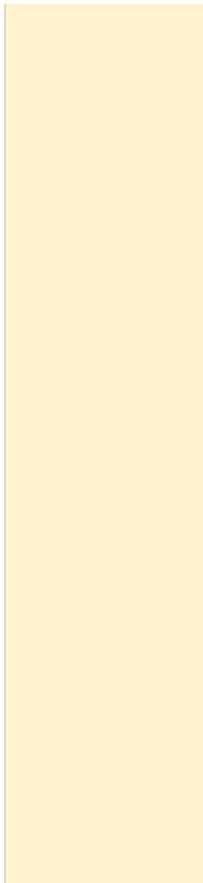
10. The imposition of *financial contributions* in accordance with the [Financial Contributions chapter](#).
11. *Vehicle access points onto legal road including the State Highway Network and any effects on the transport network.*
12. The location of any *building area* relative to *natural hazards, historic heritage features, outstanding natural features and landscapes, ecological sites, geological features.*
13. The provision of walking, cycle pathways and bridleways.

DRAFT

Proposed amendments to the Rural Lifestyle Zone Chapter

RLZ-P8	<i>Residential Units and Buildings (excluding minor buildings)</i>
<p>New <i>residential units</i> (excluding <i>visitor accommodation</i> which is not <i>temporary residential rental accommodation</i>) and other <i>buildings</i> (excluding <i>minor buildings</i>) in all the <i>Rural Zones</i> will be provided in a manner which avoids, remedies or mitigates adverse environmental <i>effects</i> (including <i>cumulative effects</i>) on the <i>productive potential</i> and landscape character of the rural area, including:</p> <ol style="list-style-type: none"> a. limiting the number of <i>residential units</i> and <i>minor residential units</i> to one of each per <i>subject site</i>, except where Development Incentive Guidelines are complied with; b. managing the location and scale of <i>buildings</i> (excluding <i>minor buildings</i>); and c. recognising the operational requirements for <i>buildings</i> (excluding <i>minor buildings</i>) that are <i>ancillary</i> to <i>primary production</i> activities. 	

RLZ-R10	<i>Development which is undertaken in accordance with the Development Incentives Guidelines set out in Natural Environment Appendix 1</i>	
Restricted Discretionary Activity	<p>Standards</p> <p>-</p> <ol style="list-style-type: none"> 1. The amount of <i>development</i> proposed must not exceed or proceed earlier than the stipulations in the guideline. <p>-</p> <p>Note: For subdivision which is undertaken in accordance with the Development Incentives Guidelines, see SUB-RUR-53.</p>	<p>Matters of Discretion</p> <p>-</p> <ol style="list-style-type: none"> 1. The scale of biodiversity and energy benefits created by the proposal. 2. Layout, size, design and location of proposed <i>building and structures</i>. 3. Visual, character and amenity <i>effects</i>. 4. Ecological or biodiversity <i>effects</i>. 5. Traffic <i>effects</i>. 6. Proposed mitigation, remediation or ongoing management measures. 7. <i>Effect on natural character values</i>. 8. <i>Cumulative effects</i>. 9. The degree of compliance with the Kāpiti Coast District Council Subdivision



- and Development Principles and Requirements 2012.
10. The imposition of *financial contributions* in accordance with the [Financial Contributions chapter](#).
 11. *Vehicle access points onto legal road* including the *State Highway Network* and any *effects on the transport network*.
 12. The location of any *building area* relative to *natural hazards, historic heritage features, outstanding natural features and landscapes, ecological sites, geological features*.
 13. The provision of walking, cycle pathways and bridleways.

DRAFT

Proposed amendments to the Local Centre Zone Chapter

LCZ-R14	<i>Development</i> which is undertaken in accordance with the Development Incentives Guidelines set out in Appendix 1	
Restricted Discretionary Activity	<p>Standards</p> <p>-</p> <ol style="list-style-type: none"> 1. The amount of <i>development</i> proposed must not exceed or proceed earlier than the stipulations in the guideline. 	<p>Matters of Discretion</p> <p>-</p> <ol style="list-style-type: none"> 1. The scale of biodiversity, energy or <i>water</i> quality benefits created by the proposal. 2. Layout, size, design and location of proposed <i>buildings</i> (excluding <i>minor buildings</i>). 3. Visual, character and amenity <i>effects</i>. 4. Ecological or biodiversity <i>effects</i>. 5. Traffic and transport <i>effects</i>. 6. Proposed mitigation, remediation or ongoing management measures. 7. <i>Effect</i> on natural character values. 8. Cumulative <i>effects</i>. 9. The imposition of financial contributions in accordance with the Financial Contributions chapter.

Proposed amendments to the Mixed Use Zone Chapter

MUZ-R12-	<i>Development</i> which is undertaken in accordance with the Development Incentives Guidelines set out in Appendix 1 .	
Restricted Discretionary Activity	<p>Standards</p> <p>-</p> <ol style="list-style-type: none"> 1. The amount of <i>development</i> proposed must not exceed or proceed earlier than the stipulations in the guideline. 	<p>Matters of Discretion</p> <p>-</p> <ol style="list-style-type: none"> 1. The scale of biodiversity, energy or <i>water</i> quality benefits created by the proposal. 2. Layout, size, design and location of proposed <i>buildings</i> (excluding <i>minor buildings</i>). 3. Visual, character and amenity <i>effects</i>. 4. Ecological or biodiversity <i>effects</i>. 5. Traffic and transport <i>effects</i>. 6. Proposed mitigation, remediation or ongoing management measures. 7. <i>Effect on natural character</i> values. 8. Cumulative <i>effects</i>. 9. The Centres Design Principles in Appendix 1.

Proposed amendments to the Town Centre Zone Chapter

TCZ-R13	<i>Development</i> which is undertaken in accordance with the Development Incentives Guidelines set out in Appendix 1 .	
Restricted Discretionary Activity	<p>Standards</p> <p>-</p> <ol style="list-style-type: none"> 1. The amount of <i>development</i> proposed must not exceed or proceed earlier than the stipulations in the guideline. 	<p>Matters of Discretion</p> <p>-</p> <ol style="list-style-type: none"> 1. The scale of biodiversity, energy or <i>water</i> quality benefits created by the proposal. 2. Layout, size, design and location of proposed <i>buildings</i> (excluding <i>minor buildings</i>). 3. Visual, character and amenity <i>effects</i>. 4. Ecological or biodiversity <i>effects</i>. 5. Traffic and transport <i>effects</i>. 6. Proposed mitigation, remediation or ongoing management measures. 7. <i>Effect</i> on natural character values. 8. Cumulative <i>effects</i>. 9. The <i>Centres</i> Design Principles in Appendix 20.

Proposed amendments to the General Industrial Zone Chapter

GIZ-R12	Development that exceeds the permitted and controlled activity standards and is in accordance with the Development Incentive Guidelines.	
Restricted Discretionary Activity	<p>Standards</p> <p>-</p> <ol style="list-style-type: none"> The amount of <i>development</i> proposed must not exceed or proceed earlier than the stipulations in the guideline. 	<p>Matters of Discretion</p> <p>-</p> <ol style="list-style-type: none"> The scale of biodiversity, energy or <i>water</i> quality benefits created by the proposal. Layout, size, design and location of proposed <i>buildings</i> (excluding <i>minor buildings</i>). Visual, character and amenity <i>effects</i>. Ecological or biodiversity <i>effects</i>. Traffic and transport <i>effects</i>. Proposed mitigation, remediation or ongoing management measures. <i>Effect on natural character</i> values. Cumulative <i>effects</i>.

Proposed amendments to the Future Urban Zone Chapter

FUZ-P10	<i>Residential Units and Buildings (excluding minor buildings)</i>
<p>New <i>residential units</i> (excluding <i>visitor accommodation</i> which is not <i>temporary residential rental accommodation</i>) and other <i>buildings</i> (excluding <i>minor buildings</i>) in all the Rural Zones will be provided in a manner which avoids, remedies or mitigates adverse environmental <i>effects</i> (including <i>cumulative effects</i>) on the <i>productive potential</i> and landscape character of the rural area, including:</p> <ol style="list-style-type: none"> 1. limiting the number of <i>residential units</i> and <i>minor residential units</i> to one of each per <i>subject site</i>, except where Development Incentive Guidelines are complied with; 2. managing the location and scale of <i>buildings</i> (excluding <i>minor buildings</i>); and 3. recognising the operational requirements for <i>buildings</i> (excluding <i>minor buildings</i>) that are <i>ancillary</i> to <i>primary production</i> activities. 	

FUZ-R10		
<i>Development</i> which is undertaken in accordance with the Development Incentives Guidelines set out in Natural Environment Appendix 1 .		
Restricted Discretionary Activity	<p>Standards</p> <p>-</p> <ol style="list-style-type: none"> 1. The amount of <i>development</i> proposed must not exceed or proceed earlier than the stipulations in the guideline. <p>-</p> <p>Note: For subdivision which is undertaken in accordance with the Development Incentives Guidelines, see SUB-RUR-R53.</p>	<p>Matters of Discretion</p> <p>-</p> <ol style="list-style-type: none"> 1. The scale of biodiversity and energy benefits created by the proposal. 2. Layout, size, design and location of proposed <i>building and structures</i>. 3. Visual, character and amenity <i>effects</i>. 4. Ecological or biodiversity <i>effects</i>. 5. Traffic <i>effects</i>. 6. Proposed mitigation, remediation or ongoing management measures. 7. <i>Effect on natural character values</i>. 8. <i>Cumulative effects</i>. 9. The degree of compliance with the Kapiti Coast

District Council Subdivision
and Development Principles
and Requirements 2012.

10. The imposition of *financial contributions* in accordance with the [Financial Contributions chapter](#).
11. *Vehicle access points onto legal road including the State Highway Network and any effects on the transport network.*
12. The location of any *building area* relative to *natural hazards, historic heritage features, outstanding natural features and landscapes, ecological sites, geological features.*
13. The provision of walking, cycle pathways and bridleways.

Proposed amendments to the Hospital Zone Chapter

HOSZ-R9	<i>Development</i> which is undertaken in accordance with the Development Incentives Guidelines set out in Appendix 1 .	
Restricted Discretionary Activity	<p>Standards</p> <p>-</p> <ol style="list-style-type: none"> 1. The amount of <i>development</i> proposed must not exceed or proceed earlier than the stipulations in the guideline. 	<p>Matters of Discretion</p> <p>-</p> <ol style="list-style-type: none"> 1. The scale of biodiversity, energy or water quality benefits created by the proposal. 2. Layout, size, design and location of proposed <i>buildings</i> (excluding <i>minor buildings</i>). 3. Visual, character and amenity <i>effects</i>. 4. Ecological or biodiversity <i>effects</i>. 5. Traffic and transport <i>effects</i>. 6. Proposed mitigation, remediation or ongoing management measures. 7. <i>Effect on natural character</i> values. 8. Cumulative <i>effects</i>. 9. The Centres Design Principles in Appendix 20.

Appendix 1

Development Incentives Guidelines Bonus Allotment Information Requirements

1.0 Implementing the development incentives

1.1 Purpose of this Appendix

The Kāpiti Coast District Plan sets out objectives, policies and methods that seek to reward landowners who carry out substantial enhancement activities to restore and enhance their local *environment* or who carry out sustainable development activities.

The purpose of this appendix is to explain how the *development* incentive tool works, the information requirements that need to accompany resource consent applications and likely conditions of consent.

The development incentives adopted in the Plan involve a mixture of reduced activity standards for certain activities and enabling additional development activities on a site. As such, they are incorporated into the plan rules and require a resource consent application to be granted.

1.2 Reasons for adopting incentives in the District Plan

As part of the plan review process, the *Council* sought to incorporate incentives for environmental sustainability (in particular water, biodiversity and energy) into the District Plan. The *Council* is keen to support those landowners and land developers who are prepared to go 'above and beyond' standard levels of resource management practice in carrying out activities. The *Council* considers that such actions should be recognised with additional *development* rights. While the *Council* already provides some non-regulatory financial incentives for some activities (e.g. heritage fund, rates relief etc), the *Council* considers there is scope to use regulatory-based incentives as well.

1.3 Development Incentive Provisions in the District Plan

The Plan sets up the development incentives tool with DO-O2 - Ecology and Biodiversity and DO-O18 - Renewable Energy, Energy Efficiency and Conservation.

In addition, these policies have been identified:

- Natural Environment Chapter: NE-P4 - Incentives
- Ecosystems and Indigenous Biodiversity Chapter: ECO-P4 - Enhancement Energy

- Chapter: ENGY-P6 – Incentives

The policies indicate that incentives such as additional lots or dwellings within a subdivision, or increased height or coverage for buildings and structures, may be available provided a development includes an improvement over what would otherwise be required by the rules of the plan.

The policies note a number of parameters to this opportunity:

- There needs to be a net benefit (the benefit of the enhancement / improvement outweighs the cost of the additional development)
- The net benefit should be "substantial", relative to the base case (being the development complying with standard rules and provisions)
- The benefit should be located in the area of the development (not transferred elsewhere) The benefit needs to be on-going, long term.

The types of enhancements sought by the policies are:

- protection and enhancement of a local area of indigenous vegetation or terrestrial habitat for indigenous fauna;
- protection and enhancement of water quality (including quantity management that affects water quality) and/or improved habitats for indigenous fauna in aquatic ecosystems;
- use of exemplary methods to promote the efficient end use of energy and renewable energy generation.

2.0 Implementing the development incentives

2.1 Overview of the Development Incentives

Incentives are provided across a number of key activities that are likely to create a benefit for the environment in the three focus areas for the Council, being biodiversity, water quality and energy efficiency and generation.

The incentives also recognise that significant benefits can occur for the environment at a range of scales. First and foremost, the Council is keen to recognise those development activities that go 'above and beyond' current development practices in the District. However, in recognition that there is also the possibility of cumulative benefits for the environment from many individuals doing environmental enhancement activities (albeit on a smaller scale), incentives are also provided for smaller scale activities.

In most cases, a restricted discretionary activity resource consent will be required to ensure that the effects of the proposed activity, including any effects resulting from a development incentive, can be properly assessed by the Council to ensure it still meets the requirements of the RMA. Accordingly, the plan rules contain the 'triggers' for the development incentives.

Only one incentive can be earned for any land which is held as a single lot at the date of notification of the District Plan, in a ten year period, so it is not possible to earn an incentive for biodiversity and another separate one for water quality however an incentive can be made up of multiple benefits as set out in section 2.5 of the guideline. The incentives will be recorded against each lot using the incentive earned. The exception is for rural zoned land which is of sufficient area to be subdivided into two or more new lots as a restricted discretionary activity. In that case more than one incentive is available if multiples of 100 points are earned, for example by the creation of 4 or 6 hectares of ecological corridor, but with an upper limit of twice the density (or half of the minimum average lot size) for the zone

2.2 — Biodiversity related activities and incentives

The following four packages are available within the biodiversity incentive. They apply in the *Rural Zones*, *Residential Zones* and *Working Zones*.

1. Restoration and enhancement of natural wetlands, in priority areas for enhancement, including an indigenous vegetation buffer of at least 20m wide, making a new planted area greater than 1ha (100 points). Smaller areas of restoration and enhancement of natural wetlands including indigenous planting buffer may earn up to 20 points.
2. Linking up areas of fragmented native bush to create ecological corridors, in priority areas for enhancement. New indigenous planting must be at least 2ha in area and create a link between identified bush fragments in recognised corridors (100 points). Smaller areas of planting contributing towards linkage of ecological corridors may earn up to 20 points.
3. Enlargement of existing areas of indigenous bush where they remain unconnected to an ecological corridor. New planting must be at least 3ha (100 points). Smaller areas of new indigenous planting may earn up to 20 points.
4. For coastal areas: in the *Rural Zones* with a coastal boundary, re-shaping and re-planting restoration of the dune environment for the full width of the site and a depth of 30m. Development must also meet all other District Plan requirements, including yards and building set-backs from the seaward boundary (Zero points, full provision required for incentive)

For each of the wetland, ecological corridor and indigenous bush enhancement planting activities the following incentives are available:

- 1 additional subdivision lot with the minimum lot size of the zone in which it is located, and not counted towards the average lot size, available three years after the planting has occurred (100 points required), or
- Ability to create additional residential unit on site (100 points required), or
- 5% additional building coverage on site (20 points required).

In respect of the coastal dune restoration activity, the following incentive applies:

- For the *Rural Zone* dune restoration, the creation of an additional lot, or
- Ability to create additional residential unit on the site.

2.3 — Water quality activity and incentives

The following three packages are available within the water quality incentive. They apply to land in the Rural and Working Zones and are in addition to any other Council requirements.

1. Enhancement planting of at least 2ha along riparian margins in rural areas that helps to link isolated areas of bush together (100 points)
2. Retirement of erosion-prone rural land (mapped) through enhancement planting of at least 2ha (100 points)
3. New or existing commercial and industrial developments that achieve removal of at least 75% of contaminants (suspended solids) from stormwater on site, using a constructed wetland, or infiltration system, or re-vegetation, or sand filter, or bio-filtration (20 points for each 200m² of site treated, up to a maximum of 100 points).

For both of the enhancement planting-based activities the following incentive is available:

- 1 additional subdivision lot with the minimum lot size of the zone in which it is located, and not counted towards the average lot size, available three years after the planting has occurred (100 points required), or
- Ability to create additional dwelling on site, (100 points required), or

In respect of stormwater management activities on business zoned land (retail, commercial and industrial sites), the following incentive is available:

- For industrial activities, for every 200m² of yard or outdoor car parking area treated to remove at least 75% of contaminants (suspended solids), on-site car parking requirements can be reduced by 2 car parking spaces, up to a maximum of 10 car parking spaces for 100 points
- For commercial activities, for every 200m² of yard or outdoor car parking area treated to remove at least 75% of contaminants (suspended solids), car parking may be reduced by 2 car parking spaces up to a maximum of 10 car parking spaces for 100 points, or alternatively
- Building height increase by up to 1.5m over the height limit for commercial buildings in the Working Zones (Centres, Civic and Community Zones only, and not available in the Airport Zone or the Paraparaumu Metropolitan Centre). 200m² of treated site equals 25 points and earns the 1.5m height increase.

2.4 — Energy Efficiency and renewable energy generation activity and incentives

The following nine packages of energy efficient and renewable energy development components each contribute points to the incentive rating. Water management efficiency is also included as, even with no or relatively low energy efficiency value (reduced hot water volumes used), it supports the sustainability of the building and the public infrastructure required. These nine packages all apply to

residential development in the *Residential Zones*, although some are also available for commercial (packages 1, 2, 7, 8 and 9) and industrial development (packages 2, 8 and 9).

1. ~~Showers and dual-flush toilets and at least 70% of other taps and all water-using appliances (washing machine and dishwasher) shall be water-efficient, no incandescent lights and less than 5 ceiling down-lights in the house unless LED and insulated, and energy star rated refrigerator and freezer (10 points)~~
2. ~~For *Working Zones* sites, rainwater collection and re-use plumbed into the building (supplying more than half of the water required by the land use) and hydraulic neutrality of site for up to the 1 in 10 year rainfall event, that is stormwater run-off at no greater rate than if the site was vacant and fully vegetated (20 points)~~
3. ~~Solar water heating installed, and hot water cylinder no older than 2004, and insulation wrap to hot water cylinder and accessible hot water piping. Alternatively, a hot water heat pump installed (20 points)~~
4. ~~Thermal insulation in roof (R4.6), walls (R2.6) and floor (R2.0), above Building Code requirement, draught-stopping to external doors and windows, all windows double-glazed (20 points)~~
5. ~~Green roofs, being a building roof covered with vegetation and a growing medium, planted over a waterproof membrane. It may also include additional layers such as a root barrier and drainage and irrigation system, depending on the type of planting. It will absorb and use rainwater, delay the rate of rainwater run-off, remove some contaminants and improve insulation (20 points)~~
6. ~~Efficient heat pump or log burner or pellet fire as the main heating source (20 points)~~
7. ~~Correct solar orientation, internal high thermal mass, a concrete slab ground floor with insulation beneath and around slab edges, and natural cross-ventilation (30 points)~~
8. ~~60% of electrical and heat energy used on the site is generated on-site by renewable sources such as solar, small scale hydro or biomass and wind power (space heating, water heating, electricity generation by photo-voltaic panels or wind turbine) (40 points)~~
9. ~~For residential development, a Homestar rating of 8 or more stars. For commercial or industrial development, a Green Star rating of 4 or more stars. (100 points)~~

As an incentive for the energy efficiency and on-site generation initiatives, the following incentives are offered within the Residential Zones and Beach Residential Zone, (but excluding the Waikanae Garden Precinct, and other low density housing precincts) where 40 points or more are gained by the application of packages above:

- ~~Building coverage may be increased from 35% to 40% for Beach Residential Zone and 40% to 45% for Residential Zones, and~~
- ~~Height limit may be increased to 9m (from 8m permitted standard), and~~
- ~~Minimum site size of 450m² of one house is excluded from the calculation of minimum average site size (for each new dwelling that has the 40 or more~~

points from sustainability packages applied).

Note that the incentive is also available for alterations and additions to existing dwellings, to ensure that existing houses as well as new houses have access to a development incentive for sustainability initiatives.

For commercial buildings in the Working Zones (Centres or Civic and Community Zones only, and excluding the Airport Zone and the Paraparaumu Metropolitan Centre) if any of the packages 1, 2, 3, 5, 8 and 9 above are provided, the height limit for the site may be increased by a maximum of 1.5m or an additional store, whichever is the lesser, where 40 or more points are earned.

In the Rural, Residential and Working Zones the energy efficiency packages may also be used in combination with the water quality or biodiversity incentives to top-up these activities to earn a development incentive.

2.5 — Providing flexibility in the incentives scheme

2.5.1 — Flexibility to ‘top-up’ a development activity to reach the threshold for a development incentive

The Council considers that some flexibility should be provided in the development incentives system. There may be times where a landowner, for a variety of reasons, cannot quite reach the threshold needed to qualify for an incentive. Where an activity falls short of reaching a given points threshold by less than 30%, by way of restricted discretionary activity it may be increased to earn the incentive by adding at least 20 points earned in other incentive categories (Biodiversity, Water Quality Enhancement, or Energy Efficiency and On-Site Generation). The activity selected will need to relate as much as possible to the proposed development occurring on the site. In applying its discretion, the Council will consider the reasons for the inability to obtain the thresholds and the degree to which the failure to meet the threshold affects the net environmental benefits.

For example, a landowner who has carried out enhancement planting may find after 3 years that only 85% of the area planted is healthy. Rather than having to wait a further 3 years for new planting to become established, the landowner could ‘top-up’ the contribution by proposing 60% of electrical and heat energy used on site is to be generated on-site by renewable sources (space heating, water heating, electricity generation by photo-voltaic panels or wind turbine) for the additional dwelling that is being built under the development incentive.

There is some overlap between the areas seeking incentivised behaviour. Water quality and biodiversity are mutually beneficial, and water conservation will involve energy efficiency in marginal new water supply capacity as well as the cost of domestic water heating. This supports the topping-up approach to overall sustainability initiatives and also the inclusion of stormwater management and re-use within the energy efficiency activities

2.5.2 — Alternatives

A proposed activity may be able to contribute to achieving the purpose of DO-O2 and DO-O18 and the three related policies, i.e. likely to create a benefit for the environment in terms of biodiversity, water quality or energy efficiency and generation, but does not qualify for any of the particular incentives specified. Such a proposal would be a discretionary or non-complying activity, but would also gain some support from Policy NE-P4 — Incentives, which encourages benefits to the natural environment by rewarding them with development incentives.

3.0 — Implementing the development incentives

The incentives outlined above need to be supported by a number of procedural practices to ensure the effective and efficient delivery of the incentives tool. These areas of guidance can be grouped under the following headings:

- Application procedures
- Consideration of proposals seeking to obtain a development incentive
- Securing permanent environmental benefits
- Monitoring

3.1 — Application processes

i) Eligibility

Any landowner may use the incentives, provided they can provide evidence of carrying out the specified activities according to the conditions set out in the plan rules.

The incentives cannot be applied retrospectively to work carried out before the plan provisions become operative.

However, the Council will accept any 'notices of intention' (see below) lodged once the plan has been notified. This will only occur on the understanding that the landowner accepts the risk that the development incentive provisions may, as a result of submission, decisions and appeals process, be altered or even removed from the finalised plan provisions.

ii) Pre-application meeting

A pre-application meeting is necessary for applicants wishing to take advantage of a development incentive provided in the Plan. The meeting will provide the opportunity for the Council to discuss with the applicant the development incentive being sought, to check that the proposed activity will be eligible and to outline the nature of additional information that may be required in any resource consent application. This meeting will also provide the Council the opportunity to ask the

applicant to consider what actions they will take to ensure that the benefits purported to occur from the activity will in fact occur.

iii) Lodging a 'notice of intention' to obtain a planting-based incentive & preparing a planting management plan

This process will be necessary where a landowner or developer proposes to take advantage of any development incentive that involves planting. The requirements of the planting-based incentives are that the planting needs to have been established for a period of at least three years before the Council will 'accept' it for the purposes of obtaining an incentive. Any additional lot (or other incentive) will only be considered by the Council once the planting is established and evidence is provided that it is self-sustaining.

Accordingly, any potential applicant needs to notify the Council that it is starting a planting programme with a view to having it accepted at a future time under the incentives programme. A letter will be sufficient, to be followed up by a meeting with the Council to confirm that the planting management plan will meet the criteria needed for the incentive.

A planting management plan should be prepared by a suitably qualified person, and address the following:

Site characteristics, such as:

- i. The ecological district of the site
- ii. The characteristics of the soil (i.e. clay, silt, loam etc)
- iii. Soil drainage
- iv. Topography and aspect of the area to be planted
- v. Exposure of the site to wind, frost, sunlight and salt spray
- vi. Extent of existing bush or native vegetation on the site and its species composition
- vii. Distance from established bush and the state of the established bush if there is none on the site.

A Planting Plan, which should detail the following:

- i. Purpose of the planting, including hill country erosion control, stream bank erosion, habitat control, habitat restoration, ecological corridor creation, buffer planting to protect the edges of existing bush, water quality enhancement
- ii. Location and extent of planting on a plan
- iii. Site preparation for planting, including stock proof fencing of areas, weed and animal pest control
- iv. Site planting, including species to be planted, size of plants and where they are to be planted, density of planting, timing of planting, sourcing of plants and fertilisers
- v. Maintenance of planting, including fertiliser, replacement of dead plants, animal and plant pest control, and mulching, and covenants or consent

notices protecting the planting in the long-term.

iv) ~~Water Quality development incentive~~

~~In order to confirm the benefits arising from a water quality incentive that does not involve replanting (covered above), the Council will need to review a Stormwater Management Report, which provides the following information:~~

- ~~a. Location and size of lawfully established existing and proposed impervious areas on the site~~
- ~~b. Location, design, performance and maintenance of existing and proposed stormwater quality management techniques taking into account:
 - ~~i. The natural drainage patterns of the site to be retained~~
 - ~~ii. Bio-retention to be incorporated into landscaping requirements wherever practicable and to be connected to accessways and parking areas.~~
 - ~~iii. Plant species appropriate to the site and the proposed method of mitigation.~~
 - ~~iv. Sub-surface conditions and appropriate design of retention areas to maximise infiltration and minimise hazards.~~~~
- ~~c. Detailed design and calculations for 10% and 50% AEP events~~
- ~~d. A maintenance schedule for any on-site stormwater devices proposed.~~

v) ~~Energy Efficiency~~

~~The Council will identify the nature of the information likely to be required at any pre-application meeting.~~

~~For residential dwellings, information requirements should generally be as for a building consent, with details of the size and location of the solar panels, solar hot water heating and how they are to be installed and incorporated into the building's electricity / water heating systems.~~

~~Additional insulation should be specified on the building plans.~~

~~For commercial developments and comprehensive developments, a more in-depth analysis of design performance will be required, generally involving a suitably qualified person. Detailed design calculations will need to be submitted covering the design performance of the building(s), and how design is to maximise the benefits of natural light and ventilation, while controlling solar gain. Alternative energy generation systems will require performance information. Specific design calculations for green roofs are also to be submitted.~~

vi) ~~Using the development incentive~~

~~There is no time limit on the use of the development right obtained from carrying out a development incentive activity.~~

vii) The development site

In most cases, the development site where the development incentive activity takes place will be the same site where the development incentive rights will be used up. For example, an incentive lot created through enhancement planting will be created from the primary lot where the planting took place. A site containing a commercial building where solar panels are proposed will be the site where additional height is provided for.

There will be some exceptions though and it will be within the discretion of the Council to identify early on where it is appropriate to carry out activities beyond the development site. These mainly relate to planting of riparian margins or planting of coastal dunes. In these situations it is conceivable that the planting will occur adjacent to the development site. In these cases, a clear relationship must exist between the site of the planting and the development site. For example, the coastal dune is directly adjacent to the development property, or a stream where riparian planting will occur runs through or is adjacent to the development property (i.e. within a distance of 500m). In instances where the destination site for planting is not owned by the applicant, approval for the planting must be obtained from the relevant landowner(s) and provided to the Council. The planting will need to be protected by a covenant or other long-term legal mechanism.

3.2 Consideration of proposals seeking to obtain a development incentive

3.2.1 Council assessment of proposals

The Council will need to assess proposals for resource consent that seek to take advantage of a development incentive in the same way that it would consider an application for a resource consent.

That is, it must consider whether there are any adverse effects on other parties. The activity will generally be non-notified. It is expected that the involvement of third parties in these types of applications will however be limited, as reducing the likelihood of third party involvement was a consideration in selecting the type of incentives to be offered in the Plan.

In making the substantive decision, the council will need to expand its usual considerations, by assessing whether the activity carried out meets the criteria for the incentive development activity.

This consideration will fulfil the need to assess whether the Plan's incentive objective and policies are met by a proposed development.

The pre-application process should have identified the information required to be submitted with the application to demonstrate compliance. The Council will need to independently assess the information and establish whether the benefits that are expected to have accrued from carrying out the activity have in fact occurred (in the case of enhancement planting), or whether the proposed activities are designed in such a way as to be sure that the benefits will occur (e.g. water quality treatment devices).

Applications that have identified (or volunteered) mechanisms to ensure that the benefits will be permanent will have a greater likelihood of success against the relevant policies.

3.2.2 — Transferable development rights not provided for

The development incentive scheme does not provide for transferable development rights. The development incentive right must be used on the 'development site' which relates to the activity being carried out, with limited exceptions where it can extend onto adjacent land if that land can better achieve the intent of the incentive provision, for example a connection into an existing ecological corridor.

3.3 — Securing permanent environmental benefits

3.3.1 — Consent conditions

In considering consent conditions, the Council will need to identify the best mechanism to ensure that planned activities (to obtain a development incentive) are actually carried out in order to secure the net benefits. Conditions of consent will relate to:

- Activities to be undertaken in accordance with application (e.g. installation of devices)
- Ongoing legal protection and maintenance of any restored or enhanced area (pest control, weed control, fencing) including implementation of management plans
- Ongoing maintenance and operation of any device required to qualify for incentive — e.g. solar panels, stormwater treatment devices. This may involve surrendering easements to the council, in some situations, so as to allow for inspection and monitoring.

The applicant will be responsible for meeting all costs involved in complying with the conditions of consent.

3.3.2 — Ongoing legal protection

Appropriate legal mechanisms will be required to ensure permanent benefits are achieved. All legal agreements shall be prepared by a solicitor at the applicant's expense. The type of legal agreement to be used can be discussed at the pre-application meeting and the outcomes achieved by the legal instrument will inform the consideration of the consent application.

i) Covenants

Restoration and enhancement areas

Any area restored or enhanced which has been used to qualify for a development incentive must be subject to physical and legal protection in perpetuity.

A covenant shall be registered against the title under the Land Transfer Act 1952 which requires that the fencing of the restoration area is maintained to a stock-proof standard and remains undisturbed from any earthworks or structures; that restoration planting and ongoing maintenance occurs in accordance with the approved planting plan; that weeds and pests are controlled; and that all existing trees and any re-vegetation of the area shall be protected.

Water quality treatment devices

A covenant shall be registered against the title as to the location and purpose of the water quality treatment device, the required maintenance schedule and that the device can only be removed with Council's approval. The effect of such covenant shall be to ensure the efficient future functioning and ongoing maintenance of the on-site stormwater management system.

Energy efficiency and generation

A covenant shall be registered against the title under the Land Transfer Act 1952 as to the location and purpose of the energy efficiency feature, the required maintenance schedule (if applicable) and that the feature can only be removed with Council's approval. This would only apply to solar water heating, and solar or wind electricity generating systems. It would not apply to other appliances or fixtures and fittings. The effect of such covenant shall be to ensure the efficient future functioning and ongoing maintenance of the on-site energy feature.

ii) Consent notices

Where the applicant seeks to utilise a development incentive through carrying out a subdivision, including comprehensive site redevelopment, a consent notice may be used in order to secure the same outcomes as a covenant. Consent notices shall also be used to prohibit any further subdivision of the new lots or existing lot with additional dwelling, either for an agreed period or in perpetuity. The consent notice shall be in place before the issue by the Council of a Certificate of Compliance for the subdivision pursuant to Section 224(c) of the RMA.

iii) Bonds

A bond may be payable instead of a consent notice or a covenant without bond. This will generally apply if there are elements of uncertainty regarding the continued operation and effectiveness of any measures taken, or the financial implications of rectifying failures in operation and maintenance are significant. Any bond will need to be registered under the Land Transfer Act 1952; i.e. it will be registered on the Record of Title and bind all subsequent owners of the land. Bonds may be given for the performance of consent conditions including:

- Conditions relating to the alteration or removal of structures (e.g. photovoltaic panels)
- Conditions relating to remedial, restoration or maintenance work (e.g. wetland restoration, maintenance of stormwater treatment devices)

- ~~Conditions relating to ongoing monitoring of long-term effects (e.g. success of planting, energy usage figures).~~

~~A bond may not be required if long term outcomes are considered to be more certain or the financial implications of rectifying failures in operation and maintenance are not significant (however a covenant will still be required).~~

~~Examples may include:~~

- ~~Planting has been established for 3-5 or more years, is considered to be self-sustaining, has eliminated pests and has 75% canopy closure~~
- ~~Features requiring little or no ongoing maintenance e.g. insulation, ventilation, sunlight access, some stormwater devices.~~

~~3.4 Monitoring Programme~~

~~3.4.1 Ecological Restoration~~

~~Monitoring needs to be undertaken at 3 and 5 years, as it takes between 3-5 years before native replanting is well established and certainty of survival is assured.~~

~~The following needs to be monitored by the applicant and reported to the Council:~~

- ~~Survival rates: this is because the Council requires a 90% survival rate which is thought to be appropriate to ensure that the replanting will become ecologically viable.~~
- ~~Size of plants: this is an indication of the health of the plantings. The greater the growth, the healthier the planting and therefore the more likely a planting is to survive.~~
- ~~Canopy closure: if a planting is healthy, canopy closure should occur at year 3, although it can take to year 5 if the conditions of the site are particularly harsh. Therefore, this is an important indication of the health of the planting.~~

~~Replacement of plants which do not survive is important to ensure that gaps are not created which could allow weeds to enter the planting and to ensure that there is an adequate canopy cover in the long term.~~

~~3.4.2 Water Quality~~

~~Monitoring of effectiveness is not needed due to the difficulties of assessing performance. However consent conditions will still be monitored e.g. the devices are operating as consented and~~

~~maintained adequately. As part of this, a maintenance plan should be prepared and submitted as part of the application.~~

~~The long-term effective operation of on-site contaminant reduction measures depends not only on sound design and construction, but also on applying routine operation and maintenance practices. Maintenance is typically not onerous in respect to either the amount of effort involved or the frequency.~~

~~Typical maintenance actions may involve:~~

- Frequently, check for and rectify any problems evident during/after heavy rain
- Regularly, about every 2–3 months, check state of repair of the device and remove growths, repair leaks, clear blockages, etc
- Periodic (e.g. once or twice a year): inspect pipes, remove sediment, etc
- Every 2 years: inspection and maintenance programme by a qualified contractor.

3.4.3 — Energy Efficiency

For residential, commercial and industrial buildings' energy efficiency, monitoring should not be required. Once the systems are installed, to achieve consent compliance, the capital costs have been incurred and there will be substantial energy cost savings to the owner if the systems are maintained and continue to perform.

3.4.4 — Council to maintain records

The *Council* will maintain a register of all incentives granted. The register will assist the council to monitor the uptake of the development incentives and to monitor the effectiveness of the incentives tools. This information will need to be made available on Land Information Memorandums for prospective purchasers to inform them of the development opportunities (and responsibilities) for a given property.

3.4.5 — Review of Development Incentives

The Council anticipates that it will carry out at least a 5 yearly review of the development incentive programme. This review will include, among other things, an assessment of:

- the uptake of the programme,
- the degree to which the environmental benefits are being achieved as expected, the transaction
- costs involved in obtaining an incentive,
- usability of the system.

This appendix sets out specific information requirements for the creation of bonus allotments in accordance with SUB-RUR-R53. All of the information requirements must be prepared and / or reviewed by a suitably qualified and experienced ecologist.

A Protection of existing indigenous vegetation

- 1) All subdivision plans must show all of the following features that exist on, or on the boundary of, the land being subdivided:
 - a) Any areas identified as an ecological site.
 - b) Any other areas that meet one or more of the criteria in Policy ECO-P1.
 - c) Any areas that meet the definition of a natural wetland as per the National Policy Statement for Freshwater Management 2020 and/or the Natural Resources Plan for Greater Wellington 2022.
 - d) Any other areas of indigenous vegetation, wetlands, and other waterbodies.

- 2) In conjunction with monitoring the success of planting, details of how three-yearly monitoring of the critical determinants for the health of any *ecological site* by an independently approved person will be undertaken, which may include, but not be limited to, all of the following:
 - a) Effectiveness of fencing.
 - b) Presence of animal and plant pest.
 - c) Health of the area listed in 1) above.
 - d) Presence of pollutants.
 - e) Vegetation clearance.
 - f) Effectively managing animal and plant pests; and
 - g) Providing appropriate access to any *places or areas of significance to Māori*
- 3) Information must demonstrate that monitoring results will be forwarded to Council for audit.

B. Legal and physical protection mechanism to protect *indigenous vegetation, wetland or revegetation planting*

- 1) The legal protection mechanism must include all of the following:
 - a) Permanent protection of the *indigenous vegetation* or *wetland* on the *site*.
 - b) Implementation of a management plan.
 - c) Permanent exclusion of all livestock from the protected area; and
 - d) The protected area to be maintained in perpetuity, including carrying out pest plant and animal control measures.
- 2) Where the Plan refers to *indigenous vegetation* or a *wetland* to be subject to a legal protection mechanism, that mechanism must include the following:
 - a) Legal protection of the *indigenous vegetation* or the *wetland* and any area of required revegetation plantings in perpetuity. An agreement to the satisfaction of the council regarding an encumbrance, bond, consent notice, covenant or vesting as reserve must be entered into before the issue of the section 224(c) certificate under the Resource Management Act 1991.
 - b) Where applicable the legal protection mechanism must be in accordance with the relevant terms of the Reserves Act 1977, Conservation Act 1987, or the Queen Elizabeth II National Trust Act 1977. The legal instrument must provide protection in perpetuity and must include enforcement and penalty provisions.
 - c) Where revegetation planting is required as a condition of the subdivision consent, the section 224(c) certificate will be issued only after the required works have been undertaken and the planting has satisfied the required consent conditions. This includes implementation of an animal and plant pest management plan. 'Animal pests' and 'plant pests' are those species listed as 'Organisms declared as pests', 'Other harmful organisms', 'Unwanted organisms' and/or included in any of the five pest management programmes 'Exclusion programme', 'Eradication programme', 'Progressive containment programme', 'Sustained control programme', and 'Site-led pest programme' in the Greater Wellington Regional Pest Management Plan 2019-2039.

- 3) The *indigenous vegetation* or *wetland* and any area of required revegetation planting to be protected must be maintained free of livestock through appropriate stock proof fencing, or if livestock access to the *indigenous vegetation* is prevented by topographical or natural features then stock proof fencing may not be required.

C. Revegetation planting

- 1) A planting plan for any revegetation planting is required prior to a section 224(c) certificate being issued and must identify the following:
- a) The purpose of the planting, which could include: hill country erosion control, river bank erosion, *wetland* buffering, habitat restoration, ecological corridor creation, or buffer planting to protect or extend the edges of the *ecological site(s)*.
 - b) The ecological district of the *site*.
 - c) The characteristics of the soil (i.e. clay, silt, loam etc.).
 - d) Soil drainage.
 - e) Topography and slope of the area to be planted.
 - f) Location and extent of the area to be planted.
 - g) Whether part or all of the part of the *site* where revegetation planting is proposed is subject to flooding or high water-tables (some species are intolerant of wet soils).
 - h) Exposure of the part of the *site* where revegetation planting is proposed to wind, frost, drought, and salt spray.
 - i) Aspect of the part of the *site* where revegetation planting is proposed relative to the sun.
 - j) Which parts of the part of the *site* where revegetation planting is proposed might be shaded (to inform decisions about whether to use shade-tolerant or sun loving species).
 - k) Presence of pest plants and animals.
 - l) Presence of any threatened species and if necessary, the process for the translocation of threatened species.
 - m) Stock-proof fencing (where required as per B - Legal and physical protection mechanism to protect *indigenous vegetation*, *wetland* or revegetation planting) that should be at least a full seven wire, post and batten fence.
 - n) Planting areas, weed and animal pest control.
 - o) Extent and species composition of any *ecological site(s)* and any other *indigenous vegetation* and habitats, as per A - Protection of existing *indigenous vegetation*, on the land subject to subdivision.
 - p) Distance to any other *ecological site(s)* and any other *indigenous vegetation* and habitats as per A - Protection of existing *indigenous vegetation*.
 - q) Preparation of the area for planting, including stock-proof fencing of areas, weed and animal pest control.
 - r) Any restrictions on planting, such as existing infrastructure, safety or existing access issues.

- s) How revegetation planting will be ecologically linked to an area of contiguous *ecological site(s)*, any other *indigenous vegetation* and habitats, as per A - Protection of existing *indigenous vegetation*, and if possible any other additional existing ecological corridors or connections.
 - t) How revegetation planting will provide robust and high value ecological connections without gaps to the *ecological site(s)*.
 - u) How revegetation planting will buffer the *ecological site(s)* and ensure long term viability and resilience of the *ecological site(s)*.
 - v) Planting, including species to be planted, sourcing of the plants, size¹ and spacing of plants, and where they are to be planted, requirements for replacement of pest plants with appropriate indigenous species and measures to minimise reinvasion of pest plants.
 - w) Timing of planting. For terrestrial planting this is generally during the autumn to early spring months while there is good rainfall. For *wetland* areas planting is best done when the roots of the plants are actively growing during spring and early summer before the dry season.
 - x) Measures for the maintenance of planting, including releasing plants, fertiliser², plant and animal pest control and mulching³ and replacement of plants which do not survive, and measures for animal and plant pest control.
 - y) Protective measures proposed to ensure the *ecological site(s)*, any other *indigenous vegetation* and habitats as per A - Protection of existing *indigenous vegetation*, and any proposed revegetation planting remain protected in perpetuity.
 - z) Details confirming that revegetation planting is only to be carried out contiguous to the *ecological site(s)* or other sites that qualify under Policy ECO-P1.
 - aa) Confirmation that the assessment of whether the maintenance of plantings has been achieved shall be undertaken by a suitably qualified independent ecologist according to a quantitative monitoring programme. [Also see B - Legal and physical protection mechanism to protect *indigenous vegetation*, *wetland* or revegetation planting].
- 2) The location and species composition of the restoration planting is to achieve the following:
- a) Provide necessary protection and restoration of the *ecological site(s)* to ensure its long-term viability, health, and significance.
 - b) Facilitate the use of natural regeneration processes to ensure that in the long term these natural regeneration processes take over.
 - c) Provide for the protection and restoration of the area of planting and provide robust linkages between ecological features.
 - d) Provide a sustainable, potentially significant forest, *wetland* or shrubland.

¹ Very small plants and very large plants can struggle to establish in some areas. The most appropriate sizes for planting out are considered to be root trainers, PB3/4 or PB2s and PB5s.

² In some but not all circumstances fertiliser can help establish indigenous plant species. However, it can also result in more vigorous growth of pest plant species and too much fertiliser can be toxic to plants. In many cases the ground in Rural Zones will already be quite fertile and support good growth, and some areas such as dunes and *wetlands* can be adversely affected by fertiliser application. Use slow-release fertilisers if required.

³ Mulching can help retain moisture, insulate the soil and suppress pest plant growth. Mulch can also be a source of pest plants and disease, some mulches are toxic to plants or can leach nutrients through decomposition. Mulching will increase the cost of the planting.

- 3) The following matters must be implemented prior to a section 224(c) certificate is issued and confirmation is provided:
- a) The establishment of secure stock exclusion that is at least a full seven wire, post and batten fence (as required per B - Legal and physical protection mechanism to protect *indigenous vegetation, wetland* or revegetation planting).
 - b) The planting of *indigenous vegetation* at a density detailed below or at some other density considered more appropriate for the *site* circumstances by Council:
 - i. An average density for initial planting of 1.0 metre centres (10,000 stems per hectare) reducing to 0.75 metre centres (13,333 stems per hectare) in kikuyu and *wetland* and riparian margins.
 - ii. An average density of supplementary⁴ and canopy⁵ species planted at 5.0 metre centres (2,000 stems per hectare) within five years of the initial planting. These could potentially be planted where plants have previously died.
 - iii. Sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography; and
 - iv. Reflect the composition of former *indigenous vegetation* likely to have occupied the *site* and include appropriate indigenous species that will enable the natural processes of succession.
 - c) The maintenance of any plantings must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached 80% canopy closure. The survival rate must ensure a minimum 90% of the original density and species.
 - d) The maintenance of any plantings must include the ongoing replacement of plants that do not survive.
 - e) The maintenance of any plantings must ensure that all invasive plant pests are eradicated from the area of planting both at the time of planting and on an on-going basis and plants released from kikuyu as necessary to ensure adequate growth; and
 - f) The maintenance of any plantings must ensure animal and plant pest control occurs.
- 4) The planting plan must be prepared and confirmed by a suitably qualified and experienced person.

D Monitoring Programme

- 1) Monitoring needs to be undertaken annually for five years after planting occurs, as it takes between three to five years before indigenous replanting areas are well established and the certainty of plant survival is assured. The following needs to be monitored:

⁴ Supplementary species are those species that prefer shade or dappled light but will not become significant canopy components. This includes nikau, vines, ferns, and smaller understorey species.

⁵ Canopy species often prefer dappled light and can be frost intolerant, hence these should be planted once the canopy is almost closed. This includes species such as tawa, kohehohe, maire, beech, and many of the podocarp species.

- a) Plant survival rates. The Council requires a 90% plant survival rate which is thought appropriate to ensure that the replanting will become ecologically viable.
 - b) Size of plants is an indication of the health of the plantings. The greater the growth, the healthier the planting and therefore the more likely a planting is to survive; and
 - c) Canopy closure. If a planting area is healthy, canopy closure should occur at year three to five, although it can take to year ten if the conditions of the planting area are particularly harsh. Therefore, this is an important indication of the health of the planting. The Council requires at least 80% canopy closure after five years.
- 2) Replacement of plants which do not survive is important to ensure that gaps are not created which could allow weeds to enter the planting and to ensure that there is an adequate canopy cover in the long term
 - 3) Require monitoring results to be forwarded to Council for audit.

DRAFT